

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GERRON MAURICE LINDSEY,)
)
Plaintiff,)
)
v.)
)
LT. RISPOLI, C/O MOORE,) C.A. No. 04-1383-SLR
C/O VICTOR GONZALEZ,)
SGT. CARPENTER, C/O MANNO,)
C/O TERRY, NURSE HOLLY and)
NURSE BRENDA,)
)
Defendants.)

Deposition of GERRON MAURICE LINDSEY taken pursuant to notice at the Delaware Correctional Center, 1181 Paddock Road, Smyrna, Delaware, beginning at 10:30 a.m. on Tuesday, August 16, 2005, before Robert Wayne Wilcox, Jr., Registered Professional Reporter and Notary Public.

APPEARANCES:

GERRON MAURICE LINDSEY (pro se)
SBI NO. 00326202
Delaware Correctional Center
1181 Paddock Road
Smyrna, Delaware 19977
for himself,

EILEEN KELLY, ESQ.
STATE OF DELAWARE DEPARTMENT OF JUSTICE
820 North French Street - 6th Floor
Wilmington, Delaware 19801
for the Defendants Lt. Rispoli, C/O Moore,
C/O Victor Gonzalez, Sgt. Carpenter,
C/O Manno & C/O Terry.

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ORIGINAL

1 A. No.

2 Q. Now, your lawsuit is about an incident that
3 happened in October 2004. That's right, isn't it?

4 A. Yes.

5 Q. What I'd like you to do is just describe for me
6 what happened. What are the facts that are the basis for
7 your lawsuit that we're here about today?

8 A. I don't understand what you're saying.

9 Q. Okay. You filed a lawsuit about something that
10 happened in October of 2004. Right?

11 A. Yes.

12 Q. I want you to just tell me what happened.

13 A. On October 9th, 2004 --

14 Q. Right.

15 A. -- at approximately 2030 hours, I was housed in
16 the infirmary, 191 cell.

17 Q. Can you stop for a second?

18 It seems like you're reading from something.

19 A. Yes.

20 Q. Can you tell me what you're reading from?

21 A. I'm reading from the lawsuit, the original civil
22 action.

23 Q. Oh. You're reading from the complaint?

24 A. Yes, I am.



1 Q. Okay. I understand that, but I want you to tell
2 me what happened in your words.

3 A. I don't have a good memory.

4 Q. Okay. If you were to put that paper aside, would
5 you be able in your own words to tell me what happened?

6 A. No, I would not, because someone wrote this for
7 me. I didn't write this myself.

8 Q. Who wrote it?

9 A. I'm not going to mention that person's name.

10 Q. Other than what's there in the lawsuit, other
11 than what you're reading, can you tell me anything about
12 what happened? Do you remember anything?

13 A. Some things I remember.

14 Q. Such as?

15 A. Like when I was in the infirmary before I went
16 back to the SHU, I was telling CO Manno about what was
17 going on with me at that point. She went and got
18 Nurse Brenda. I talked to her. She just said, oh, he
19 all right or something along those lines. And I went
20 back to SHU. I have to read off this. I'm --

21 Q. I really need you to tell me what you remember,
22 because I do have that document. So I already know what
23 that says.

24 A. While I was in the SHU -- first, before I went in



1 the cell, it was like wet with a wet mattress and food
2 like all over the walls, because the person before me
3 like I guess got mad or something and like flooded the
4 cell with water and like through stuff everywhere or
5 something. And I asked them -- this lady Sergeant
6 Carpenter can she put me in another cell. And she said,
7 no, go in that cell.

8 I went in that cell and told them I wanted
9 to see the nurse because I had like thoughts of hurting
10 myself. And I seen a nurse. Ain't too much come out of
11 that because the entire time Rispoli was telling the
12 nurse -- basically telling her don't listen to me pretty
13 much.

14 I got back in the cell. They took all my
15 clothes from me. And I had this metal thing that was in
16 the cell. It was in there before I even went in the
17 cell. I took it and started cutting my arm.

18 So when they came to the door -- I believe
19 it was CO Gonzalez. It was another person with him, but
20 I don't know who that was. But he told me to step back
21 to the door with my hands behind me back. So I did that.
22 I heard him say something about calling Lieutenant
23 Rispoli.

24 So when Lieutenant Rispoli arrived -- I



1 heard him behind me. And the door open and he reached
2 around me and sprayed me with some pepper spray in my
3 face. So I just stood there like he told me to do. He
4 put me in handcuffs and told me to stand in the middle of
5 the cell.

6 I stepped to the middle of the cell, which I
7 did. And I know they sprayed me with a water hose for a
8 little while. He told me to look up at him. I looked up
9 at him, and he sprayed me in the face with the pepper
10 spray again. I know some more stuff happened then. I
11 just don't remember it.

12 Then I remember I got over to the infirmary.
13 Nurse Brenda came to me and asked me -- well, actually,
14 she said to the officer those are not bite marks on him.
15 He used something sharp. So the officer searched me. He
16 didn't find anything.

17 So the officers left. And Nurse Brenda came
18 and opened up this little thing that's on the door and
19 was cleaning the spray off of me. Well, not actually
20 cleaning it. She gave me like a dry rag to try to get it
21 off of me, which I attempted to. But a dry rag only like
22 rubbed the stuff into my skin worse. So I gave it to
23 back to her. And she like put some dressing stuff on my
24 arm or something. And I remember I took the metal thing



1 out of my mouth and gave it to her that I had. I don't
2 know.

3 Q. Have you told me everything that you can remember
4 about the incident?

5 A. That's everything -- basically everything I
6 remember.

7 Q. Now, I think you said that you started out in the
8 infirmary before this whole incident happened of getting
9 cap-stunned.

10 A. Yes.

11 Q. Do you remember why you were in the infirmary at
12 that time?

13 A. I was in -- I was coming off of suicide watch.

14 Q. So someone made a decision to send you back to
15 SHU from the infirmary. Is that right?

16 A. Yes.

17 Q. Do you know who made that decision?

18 A. No, I do not.

19 Q. Now, is Officer Manno the person who came to get
20 you from the infirmary?

21 A. No. It was some other officer. It wasn't
22 Officer Manno because she was working in the infirmary.

23 Q. Okay. Did you have some discussion or some talk
24 with Officer Manno about how you were feeling?



1 A. Yes. And she went and got Nurse Brenda.

2 Q. Do you remember what you told Officer Manno?

3 A. That I had thoughts of hurting myself.

4 Q. What did she say?

5 A. She went and got Nurse Brenda. I also remember
6 at that point I had a sheet around my neck or something.
7 And when Nurse Brenda came, she asked for it.

8 Q. Did you have a sheet around your neck when you
9 were talking to Officer Manno?

10 A. I don't remember.

11 Q. So Officer Manno got Nurse Brenda. Is that
12 right?

13 A. Yes.

14 Q. Then what did Nurse Brenda say?

15 A. I'm fine.

16 Q. She said you were fine?

17 A. Yes.

18 Q. While you were still in the infirmary before you
19 were moved back to SHU, did you have any more
20 conversations with Officer Manno?

21 A. Prior to that. Maybe before or something.

22 Q. Oh, okay.

23 But on that day, other than what you just
24 told me, did you have any talks with Manno about anything



1 else?

2 A. I'm sure I did, because she's working over there
3 and I always talked to people. I'm pretty sure I did.

4 Q. Do you remember telling her anything else about
5 having thoughts about hurting yourself?

6 A. I'm not sure.

7 Q. Do you remember who came and took you back to
8 SHU?

9 A. I believe it was Officer Terry, if I remember
10 correct. One of them, anyway.

11 Q. When Terry was bringing you back to SHU, did you
12 have any conversation with him?

13 A. No. I don't believe I talked to him.

14 Q. When you went back to SHU, is it right that you
15 were placed into a cell?

16 A. Yes.

17 Q. Was this a cell by yourself? You were put in
18 there by yourself? It was a one-person cell?

19 A. Yes.

20 Q. Do you remember who put you in the cell?

21 A. I believe it was Sergeant Carpenter. And I told
22 her about the floor being wet and the mattress and the
23 food all over the cell.

24 Q. Were you going back to the same cell that you had



1 been in before?

2 A. No, I was not.

3 Q. So this was a different cell?

4 A. Yes.

5 Q. So there was water on the floor when you got
6 there?

7 A. Yes. From an inmate named Kevin Brathwaite. And
8 they moved him to another cell.

9 Q. So Brathwaite had been in that cell before you
10 got there?

11 A. Yes. And he like just tore his cell up
12 completely. And they put him in a different cell and put
13 me in that one.

14 Q. How do you know that that happened?

15 A. Because, for one, he got a disciplinary action
16 for it. And he told me he did. He made some type of
17 joke out of it or something like it was funny.

18 Q. He told you about it later?

19 A. Yeah. And he got a write-up about it.

20 Q. Do you remember when you talked to him about
21 that?

22 A. Over in the infirmary I talked to him.

23 Q. So you didn't throw the water on the floor?

24 A. No. If I would have thrown the water or all that



1 stuff on the floor, I would have received a disciplinary
2 action for it, in which I didn't.

3 Q. I believe you said that you asked Sergeant
4 Carpenter to be moved to another cell and she said no.
5 Is that right?

6 A. Yes. I know she made some other smart comments,
7 but I don't remember.

8 Q. But you don't remember what those were?

9 A. No. Just like -- I get smart comments. I just
10 got a smart comment from her the other night when she
11 stuck her middle finger up at me and made a bunch of
12 obscene gestures to me.

13 Q. Okay. But you don't remember what else she said
14 on October 9th?

15 A. No, I don't remember.

16 Q. I'm sorry. I don't remember what you said about
17 this. You may have already told me this.

18 At some point you told someone that you had
19 thoughts of hurting yourself. Who was that? Was that
20 Carpenter?

21 A. I told one -- first I told CO Manno over at the
22 infirmary.

23 Q. Right.

24 But, I mean, once you were back in the SHU.



1 A. In the SHU I told one of them officers.

2 Q. Okay. So you told one of the officers back in
3 SHU that you had thoughts of hurting yourself?

4 A. Yes.

5 Q. Do you remember how long this was after you were
6 placed in your cell?

7 A. No, I don't remember.

8 Q. Do you know if it was a matter of minutes or a
9 matter of hours?

10 A. It wasn't hours.

11 Q. Now, when you said, "I have thoughts of hurting
12 myself," whoever you said it to, what happened next?

13 A. I seen this Nurse Holly for a little while.

14 Q. Okay. Do you remember, did Nurse Holly come to
15 your cell?

16 A. No. They took me to the interview room.

17 Q. Do you remember who took you over to the
18 interview room?

19 A. No. I -- it was so many officers.

20 Q. That's fine.

21 What time of day was this?

22 A. This was in the evening.

23 Q. Was Nurse Holly assigned to that building?

24 A. I'm not sure. Only security would know that.



1 Q. Now, you talked to Nurse Holly in an interview
2 room. Is that right?

3 A. Before I talked to her, Lieutenant Rispoli told
4 me to tell her I'm fine.

5 Q. Okay. Where were you when Lieutenant Rispoli
6 said that to you?

7 A. I was in the interview room.

8 Q. Were you in the interview room with just you and
9 Rispoli?

10 A. No. There was other officers there.

11 Q. Do you remember who they were?

12 A. No, I do not.

13 Q. But Nurse Holly was not there. Is that right?

14 A. No. This was before she came.

15 Q. Okay. So before the nurse came, Rispoli told you
16 to tell her that you're okay?

17 A. Yes.

18 Q. Did he say anything else?

19 A. Not that I can remember.

20 Q. So then Nurse Holly came into the interview room?

21 A. Yes.

22 Q. She talked to you?

23 A. I told her how I felt.

24 Q. Do you remember what you told her?



1 A. I told her I had thoughts of hurting myself. And
2 mental health always advises anyone if you're having
3 those thoughts to tell someone. But once I did, it was
4 basically ignored.

5 Q. When you were talking to Nurse Holly, was it just
6 the two of you in the interview room?

7 A. No, it was not.

8 Q. Who else was there, if you remember?

9 A. All of the officers were in there, including
10 Lieutenant Rispoli.

11 Q. Do you remember what other officers were there?

12 A. No, I don't.

13 Q. Now, when you told Nurse Holly that you had
14 thoughts of hurting yourself, what did she say?

15 A. She wasn't saying too much because Lieutenant
16 Rispoli kept like, I guess, overpowering her to like
17 basically say what to do -- what he wanted her to do.

18 Q. What did he say?

19 A. He was saying like we should just put him back in
20 the cell and take his clothes from him and take his
21 mattress and stuff, which they did do.

22 Q. What did Nurse Holly say, if anything?

23 A. She said something like, woo, like, well,
24 something about by the morning he'll be dead or



1 something. Something along those lines, she said.

2 Q. Do you know if Nurse Holly called anyone about
3 you at that point?

4 A. I don't know. I mean, I wasn't in an area where
5 I could see her or something if she made a phone call or
6 something like that. She leave out and go back to her
7 office. I can't see everything she do.

8 Q. Okay. While you were in the interview room, did
9 she leave?

10 A. Yes.

11 Q. Did she come back?

12 A. Not that I know of.

13 Q. So after you talked with Nurse Holly, you were
14 taken back to the same cell. Is that right?

15 A. Yes. And all my clothes was taken and my
16 mattress.

17 Q. Where were you when your clothes were taken?

18 A. I was inside the cell. And my clothes was taken.

19 Q. So you were brought back to the cell first. Is
20 that right?

21 A. Yes.

22 Q. Do you remember who brought you back?

23 A. The same group of officers that took me to the
24 interview room.



1 Q. Okay. Rispoli was one of them?

2 A. Yes.

3 Q. When you got back to your cell, was your mattress
4 already gone?

5 A. No. They told me to strip down, and then they
6 removed the mattress and everything from the cell.

7 Q. So you undressed and they took your clothes?

8 A. Yes.

9 Q. They took your mattress?

10 A. Yes.

11 Q. Did you have any bedding in the cell with you?
12 Like a pillow or anything?

13 A. In fact, yes, I did have a -- I had a -- some
14 sheets and blankets before that.

15 Q. Did they take those also?

16 A. Yes. In fact, I had a sheet tied to the vent
17 when they -- the first time they took me out. And that
18 was -- yeah. Somewhere like that.

19 Q. Once you were in SHU before you saw Nurse Holly,
20 you had had a sheet tied to a vent at some point?

21 A. Yes.

22 Q. Was it around your neck as well?

23 A. Yes. I'm not -- my memory is not good. That's
24 why I wanted to read off this, because as soon as



1 something is not -- if it's left out or something and I'm
2 put at fault -- I told you ahead of time that my memory
3 is not good.

4 Q. I do appreciate that.

5 All right. Okay. So you're back in your
6 cell without your clothes. Then what happened?

7 A. Can I ask you a question?

8 Q. Yes.

9 A. How come you're asking me the same question over
10 again? You asked me that, and I'm positive I explained
11 that to you -- the situation where I had the thing and I
12 cut my arm. I explained that to you already.

13 Q. Okay. Well, what I'm trying to do is get more
14 details. But you're right. That question was kind of
15 broad. So I'm going to ask you a more specific question.
16 Okay? Let me think about where I am.

17 I believe you said there was a sharp object
18 in the cell when you got there. Right?

19 A. Yes.

20 Q. Now, where was it exactly in the cell?

21 A. It was under the flap on like a little part of
22 the wall.

23 Q. Is that the flap where you get your food tray?

24 A. Yes.



1 Q. What did the object look like?

2 A. I don't really remember what it looked like.

3 Q. Once you found this sharp object, what did you do
4 with it?

5 A. Start cutting myself with it.

6 Q. Did you use your hand to press the object into
7 your skin?

8 A. I used this hand and did this all over my arm.

9 Q. Okay. You just showed us some scratches on your
10 arm.

11 A. Yes.

12 Q. On your left arm?

13 A. Yes.

14 Q. Are those scratches that you got from the sharp
15 object that day that we're talking about?

16 A. Yes.

17 Q. When you scratched yourself with the sharp
18 object, did you bleed?

19 A. Yes.

20 Q. During that time period when you were scratching
21 yourself in the arm, did you bite your arm at all?

22 A. No, I did not.

23 Q. At some point you put the sharp object into your
24 mouth. Is that right?



1 A. That's correct.

2 Q. When did you do that, do you remember?

3 A. I did that before the officers even came on the
4 tier. Because if I did it in front of them, then they
5 would know it was there and they would know I had a sharp
6 object. They didn't know that. So they came to the
7 assumption as, well, he bit himself.

8 Q. Once you cut yourself and you were bleeding, did
9 you bang on your door or anything to get attention?

10 A. Not at all. I was walking back and forth in the
11 cell.

12 Q. How did an officer find out that you were
13 bleeding?

14 A. CO Gonzalez came by during his check and looked
15 in my cell.

16 Q. When Gonzalez saw that you were bleeding, did he
17 open your cell at that time?

18 A. No. The cell was not -- he told me to step back
19 and put my hands behind my back.

20 Q. Did you do that?

21 A. Yes, I did.

22 Q. When you had your hands behind your back, were
23 you facing the door of your cell?

24 A. No. My back was against the -- my back was to



1 the door.

2 Q. Oh, I see.

3 So your back was to the door with your hands
4 behind your back?

5 A. Yes, it was.

6 Q. Did he handcuff you at that time?

7 A. No, he did not. He left me just like that until
8 Lieutenant Rispoli arrived.

9 Q. When Rispoli opened the door to the cell, did you
10 still have your back to the door?

11 A. Yes, I did. He reached -- then he reached around
12 my body and sprayed me in the face with some pepper
13 spray.

14 Q. Do you remember how long the spraying lasted? Do
15 you remember about how many seconds that was? Minutes?

16 A. It felt like as if somebody dumped a bowl of
17 water on my head or something.

18 Q. At that time did he spray you just once?

19 A. It was all in my face and in the back of my hair.

20 Q. Did he come into the cell with you when he
21 sprayed you?

22 A. The second time.

23 Q. Okay. The first time that we were just talking
24 about when he reached around you --



1 A. Yes.

2 Q. -- was he in the cell with you?

3 A. He was right behind me with the door open, and he
4 reached around me. He sprayed me in my face with the
5 spray and like brought his hand back and got like the
6 back of my hair and stuff.

7 Q. Once you had been sprayed that time that we're
8 just talking about, what did you do?

9 A. I did nothing. There wasn't nothing I could do.
10 I can't see. I had pepper spray in my face.

11 Q. Okay. So at that point you were unable to see?

12 A. Yeah. To a certain extent. I mean, I opened my
13 eyes. I could see people around me. Like it's a blur.
14 But it burned. But, I mean, I don't have too much of a
15 clear picture.

16 Q. Do you know whether right after you had been
17 sprayed anybody came into the cell with you?

18 A. Lieutenant Rispoli did. He told me to step into
19 the cell first. And I got sprayed down with a water hose
20 while him and his buddies stood there and like laughed
21 like it was funny or something.

22 Q. When he sprayed you down, did he spray your whole
23 body or just your face?

24 A. He sprayed my entire body.



1 Q. When you cut yourself when you were bleeding, was
2 there enough blood that there was blood on the floor?
3 I'm trying to find out how much you were bleeding when
4 you cut yourself.

5 A. Yes. It was.

6 Q. So it was running down your arm and onto the
7 ground?

8 A. Yes.

9 Q. You said that Rispoli was spraying you and there
10 was some other -- you said his buddies were there?

11 A. Yes.

12 Q. Do you know who they were?

13 A. No. I know there was officers there, but I don't
14 know who they were. I mean, most likely it was the same
15 officers that's mentioned on this.

16 Q. Was Rispoli saying anything to you while he was
17 spraying you with the hose?

18 A. I mean, there was a lot of laughing and joking
19 going on.

20 Q. Once they stopped spraying you with the hose,
21 were you removed from the cell?

22 A. He stepped in the cell at that point and told me
23 to look up and sprayed me in the face with the pepper
24 spray once again.



1 Q. Okay. So he stopped spraying you with water,
2 came into the cell and then sprayed you with pepper spray
3 a second time?

4 A. Yes.

5 Q. Was that in your face?

6 A. Yes.

7 Q. After he sprayed you in the face that second
8 time, did he then leave the cell?

9 A. We all left the cell, and they put me back in
10 the -- they took me to the interview room.

11 Q. Was that the same interview room you were in
12 before?

13 A. Yes.

14 Q. After he sprayed you the second time with the
15 pepper spray, did he hose you again with water?

16 A. I know I got hosed one time.

17 Q. When you were hosed with water the first time,
18 did that water wash your face where the pepper spray was?

19 A. I wasn't even facing him.

20 Q. Okay. So when --

21 A. I had my back turned towards him.

22 Q. So while you were being hosed with water, you
23 still had the pepper spray in your face?

24 A. Yes.



1 Q. Now, when he took you back to the interview room,
2 you were still undressed?

3 A. Yes.

4 Q. And I'm sorry. I can't remember.

5 Did you see Nurse Holly again when you went
6 back to the interview room?

7 A. I'm not sure. I don't -- it's just if I don't
8 write something down immediately or something I don't --
9 from my memory, I don't remember.

10 Q. Okay. Did you go from the interview room back to
11 the infirmary?

12 A. Yes. At that point.

13 Q. Were you given clothes at some point?

14 A. I was given clothes while I was in the interview
15 room when Lieutenant Rispoli made a threat to sodomize me
16 with a broom stick or something.

17 Q. That was while you were in the interview room
18 still undressed or getting dressed?

19 A. I was getting dressed at that point.

20 Q. Do you know if anybody else heard Rispoli say
21 that to you about sodomizing you?

22 A. His fellow officers heard him. They were there
23 with him.

24 Q. Again, you don't remember who they were. Is that



1 right?

2 A. Probably the same officers I mentioned in here.

3 Q. Did Rispoli say anything else to you that you
4 remember?

5 A. I don't remember.

6 Q. Okay. You testified that when you were over in
7 the infirmary Nurse Brenda gave you a dry rag.

8 A. Yeah.

9 Q. Did she give you anything else for the pepper
10 spray?

11 A. Not to my knowledge. I know that next day I told
12 the doctor that the pepper spray was on me, and the
13 doctor told me, well, we don't treat that. So I stayed
14 in that cell for three days with the pepper spray on my
15 skin. And that doctor was Dr. Rogers.

16 Q. Dr. Rogers?

17 A. Dr. Dale Rodgers, yes. I complained to her about
18 it. And when she asked the officer can I get a shower,
19 the officer said, oh, no, he don't get a shower. So I
20 had it on my skin for three days until I actually got a
21 shower and washed it off me.

22 Q. What parts of your skin was the pepper spray on,
23 if you can recall?

24 A. It was on the back of my hair, on my neck, the



1 front of my face. And, in fact, all the places it was at
2 Nurse Brenda like wrote it down in my chart -- in my
3 medical chart.

4 Q. Was the pepper spray bothering you for the whole
5 three days?

6 A. Yes, it was. It was very irritating.

7 Q. So it was irritating your skin?

8 A. Yes, it was.

9 Q. What about your eyes? Was it bothering your
10 eyes?

11 A. Anytime I rubbed my eyes or do anything with my
12 eyes -- I can close them and go to sleep and I wake up
13 and open them. As soon as the air hit them, they started
14 burning.

15 Q. Did you get to take a shower after three days?

16 A. Yes.

17 Q. Now, once you take your shower, did the pepper
18 spray feel better?

19 A. I mean, once I got it off my skin, I was fine. I
20 was told that they don't treat pepper spray, in which I
21 got a decision back from the bureau chief on a grievance.
22 They told me they don't treat pepper spray.

23 Q. So you filed a grievance about not getting
24 treatment for the pepper spray?



1 A. I filed a grievance about every incident that's
2 involved in this matter.

3 Q. Okay. When you were brought to the infirmary
4 after this pepper spray incident, were you still bleeding
5 from your arm?

6 A. I imagine so.

7 Q. I think you said that Nurse Brenda bandaged your
8 arm when you went to the infirmary.

9 A. Yes. And put some type of dressing on it.

10 Q. Was that the first time it was bandaged since you
11 cut it?

12 A. Hold on. I answered that question.

13 At this time Nurse Brenda cleaned my wounds
14 and said she wanted the item I used to cut myself. And I
15 turned it over to her. And I then asked Nurse Brenda for
16 something to clean the pepper spray off with. And she
17 gave me a rag, which made it burn worse. She cleaned the
18 blood off my arm and placed a bandage on it.

19 Q. Other than that bandage, did you get any other
20 treatment for your arm when you were there in the
21 infirmary?

22 A. I don't see it on here, so I must have not got
23 it.

24 Q. When you were brought to SHU from the infirmary

